

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:06cr286-WKW
)	
GWENDOLYN SMITH KENNEDY)	

NOTICE OF PRETRIAL DIVERSION AGREEMENT

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and files this Notice of Pretrial Diversion Agreement as follows:

1. The government submits the attached Pretrial Diversion Agreement Form (PS-4) for the Judge's consideration and signature.
2. A copy of the Pretrial Diversion Agreement signed by the defendant is also attached.

Respectfully submitted on this 10th day of December, 2007.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Kent B. Brunson
KENT B. BRUNSON
131 Clayton Street
Montgomery, AL 36104
Phone: (334) 223-7280
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CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Glenn D. Zimmerman, Esquire.

Respectfully submitted,

/s/Kent B. Brunson
KENT B. BRUNSON
131 Clayton Street
Montgomery, AL 36104
Phone: (334) 223-7280
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PRETRIAL DIVERSION AGREEMENT

The court has been advised that Gwendolyn Smith Kennedy has entered into a pretrial
(Divertee/Defendant)
diversion agreement dated August 24, 2007, with the United States Attorney's Office. A copy of the
agreement is attached to this order and is incorporated by reference.

The pretrial diversion agreement includes a condition that requires Gwendolyn Smith Kennedy
(Divertee/Defendant)
to make restitution in the amount of \$ 1,135.00 to USDA-FNS-HQ, P.O. Box 953807, St. Louis,
(Address)
MO 63195-3807.

ORDER

It is ORDERED that the clerk of the court accept and receive restitution payments from Gwendolyn Smith Kennedy and disburse them to USDA-FNS-HQ, P.O. Box 953807, St. Louis, MO 63195-3807, in accordance with the pretrial diversion agreement and in the manner in which restitution payments are received and disbursed for criminal judgments.

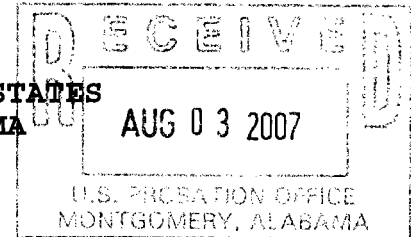
It is further ORDERED that [based on the court's finding that the defendant does not have the ability to pay interest, interest is waived OR the defendant must pay interest on restitution] pursuant to 18 USC 3612(f).

Done, this _____ day of December, 2007.

/s/

UNITED STATES DISTRICT JUDGE

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION



UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:06cr286-WKW
)
GWENDOLYN SMITH KENNEDY)

AGREEMENT FOR PRE-TRIAL DIVERSION

The United States Attorney's Office has received information that you have committed an offense against the United States, in violation of Title 7, United States Code, Section 2024(c). Specifically, on or about the 9th day of May, 2002, in Montgomery, Alabama, within the Middle District of Alabama, you Gwendolyn Smith Kennedy, defendant herein, aided and abetted by others, did knowingly and unlawfully present and cause to be presented for payment and redemption, United States Department of Agriculture Electronic Benefit Transfer Food Coupons commonly referred to as "food stamps", of a value of approximately \$4,123.00, knowing the same to have been received, transferred and used in a manner not authorized by the Food Stamp Act, as amended (Title 7, United States Code, Section 2011, et seq.), and the regulations issued pursuant to said Act, in violation of Title 7, United States Code, Section 2024(c), and Title 18, United States Code, Section 2.

Upon accepting responsibility for your behavior and by your signature on this Agreement*, it appearing, after an investigation of the offense, and your background, that the interests of the United States and your own interests and the

interests of justice will be served by the following procedure; therefore,

On the authority of the Attorney General of the United States, by Leura G, Canary, United States Attorney for the Middle District of Alabama, prosecution in this district for this offense shall be deferred for the period of 12 months from this date, provided you abide by the following conditions and the requirements of this Agreement set out below.

*Any statement made by you in this Agreement will not be admissible on the issue of guilt in any subsequent proceeding.

Should you violate the conditions of this Agreement, the United States Attorney may revoke or modify any condition of this pre-trial diversion program or change the period of supervision, which shall in no case exceed 18 months. The United States Attorney may release you from supervision at any time. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this Agreement. In that case she will furnish you with notice specifying the conditions of the Agreement which you have violated.

After successfully completing your diversion program and fulfilling all the terms and conditions of the Agreement, no prosecution for the offense set out on page 1 of this Agreement will be instituted in this district, and the charges against you, if any, will be dismissed.

Neither this Agreement nor any other document filed with the United States Attorney as a result of your participation in the Pre-trial Diversion Program will be used against you, except for impeachment purposes, in connection with any prosecution for the above-described offense.

General Conditions for Pre-trial Diversion

(1) You shall not violate any law (federal, state and local). You shall immediately contact your pre-trial diversion supervisor if arrested and/or questioned by any law enforcement officer.

(2) You shall attend school or work regularly at a lawful occupation or otherwise comply with the terms of the special program described below. If you lose your job or are unable to attend school, you shall notify your pre-trial diversion supervisor at once. You shall consult him/her prior to job or school changes.

(3) You shall report to your pre-trial diversion supervisor as directed and keep him/her informed of your whereabouts. You shall notify your pre-trial diversion supervisor of any change in residence.

(4) You shall follow the program and such special conditions as may be described below.

Special Conditions

Description of special program: Pay any restitution ordered, participate in mental health treatment as directed by the probation officer and take any prescribed medication, and you shall not

QA
\$ 1135.00 TOTAL
RESTITUTION
TO BE PAID

participate in the food stamp program during the period of pre-trial supervision.

Certification

I assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information or in bringing a defendant to trial. I hereby request that the United States Attorney for the Middle District of Alabama defer such prosecution. I agree and consent that any delay from the date of this Agreement to the date of the initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period of this Agreement.

I hereby state that the above has been read and explained to me. I understand the conditions of my pre-trial diversion program and agree that I will comply with them.

Guendolyn Smith Kennedy
Divertee

8-24-07
Date

Kent Brunson
United States Attorney/AUSA

8-24-07
Date

Jane M
Pre-trial Diversion Supervisor

8-24-07
Date